

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
MAY 07 2013
CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

MELVIN BARHITE, JR.,

Plaintiff,

CASE NO. 13-CV-11905

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

W. TRIERWEILER, et al.,

Defendants.

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

This is a civil rights action filed by a Michigan prisoner under 42 U.S.C. § 1983. Plaintiff Melvin Barhite, Jr. filed his civil rights complaint, *pro se*, alleging, among other things, that Defendants have interfered with his right of access to file grievances with respect to the Michigan Department of Corrections' failure to accommodate his disability. He sues eighteen Defendants. Seventeen of those Defendants reside in Munising, Michigan, and the remaining Defendant resides in Carson City, Michigan. Plaintiff is currently housed at the Alger Correctional Facility in Munising, Michigan. For the reasons stated, the Court transfers this case to the United States District Court for the Western District of Michigan.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated, or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. 28 U.S.C. § 1391(b). Public officials "reside" in the county where they serve. *See O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972).

Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice.

Having reviewed the complaint, the Court finds that the United States District Court for the Western District of Michigan is a more appropriate forum for this action. For purposes of the present complaint, seventeen of the Defendants reside in Munising, Michigan, which is in Alger County, and the remaining Defendant resides in Carson City, Michigan, which is in Montcalm County. Alger County lies in the Northern Division of the Western District of Michigan, and Montcalm County lies in the Southern Division of the Western District of Michigan. *See* 28 U.S.C. § 102(b).

Accordingly, the Court orders the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. 28 U.S.C. §§ 1391(b) and 1404(a).



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

DATED: **MAY 07 2013**